

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Anthony Lauria, Senior Deputy Clerk.

F048390 In re Juanmingo B., a Minor

Cause called and argued by Harry Zimmerman, Esq., counsel for appellant. Harry Colombo, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

F046461 People v. Thomas

Cause called and argued by Victor Blumenkrantz, Esq., counsel for appellant and by Paul Bernardino, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

F047649 Mendoza v. Continental Sales Co. et al.

Cause called and argued by M. Irene Daniel, Esq., counsel for appellant and by Lewis Janowsky, Esq., counsel for respondent.

Submission is deferred until June 30, 2006 @ 5:00 p.m.

Counsel ordered to simultaneously submit letter briefs on or before 15 days from this date.

Court recessed until 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F047239 Ponzo v. Railroad Controls Limited

Cause called and argued by Nina Scholtz, Esq., counsel for appellant and by John Hall, Esq., counsel for respondent.

Cause ordered submitted.

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F047148 Polkinghorne v. State Farm Mutual Auto Insurance Co. et al.

Cause called and argued by Thomas Anton/Stephen Wainer, Esq., counsel for appellant and by Philip Ross, Esq., counsel for respondent State Farm and by Dennis Thelen, Esq., counsel for respondent Gary Fuentes.

Cause ordered submitted.

Court recessed until Wednesday, May 17, 2006 at 10:00 A.M.

F048734 In re Jimmy C., a Minor

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F048734 In re Jimmy C., a Minor

The case is remanded for the juvenile court to dismiss count four and for the court to exercise its discretion to determine whether counts one and two are felonies or misdemeanors. In determining appellant's potential term of confinement, the court shall not impose a term of confinement on more than one count among counts one, two, and three. The court shall stay imposition of any period of confinement on the remaining two counts pursuant to section 654. In all other respects, the judgment of the juvenile court is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049321 In re Wayne J., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F048367 People v. Candelaria

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F048367 People v. Candelaria
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049307 People v. Hernandez
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F049307 People v. Hernandez
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047988 People v. Helm
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F047491 People v. Tate
The 10-year enhancement imposed pursuant to section 667.6 is stricken. The judgment is otherwise affirmed. The matter is remanded to the trial court for the issuance of a new abstract of judgment to correct the sentence imposed and to correct the clerical mistake that states Tate was convicted of violation of section 28, subdivision (a) instead of section 288, subdivision (a). Cornell, J.

We concur: Harris, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048000 People v. Reynolds
Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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- F048822** **In re D.C., a Minor**
The jurisdictional and dispositional orders are affirmed. Dawson, J.
We concur: Wiseman, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048289** **People v. Petrone**
The judgment is affirmed. Dawson, J.
We concur: Wiseman, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F049094** **In re Joshua S., Jr., a Minor**
Counsel having failed to request oral argument in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.
- F049094** **In re Joshua S., Jr., a Minor**
The order terminating parental rights is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F048565** **People v. Lackey**
The above-entitled case is submitted for decision.
- F048565** **People v. Lackey**
The trial court is directed to prepare an amended abstract of judgment that shows that it imposed only one restitution fine of \$200 and one parole revocation fine of \$200 and to forward a certified copy to the Department of Corrections. In all other respects, the judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]